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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of New Zealand

Legislative and institutional framework

1. It is stated in the report (para. 7) that there have been no changes with regard to the State party's legal framework since its previous report because it already provides comprehensive protection against all forms of discrimination covered under the Convention.[1] Please clarify the extent to which the legal framework of the State party encompasses the elements of direct and indirect discrimination and seeks to achieve both formal and substantive equality between women and men (CEDAW/C/NZL/CO/7, para. 12). Please also provide examples of cases, if any, where the provisions of the Convention have been invoked by national courts. Please further provide information on specific measures taken to raise awareness and to enhance knowledge of the rights of women under the Convention, including through training for judges and lawyers.

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, to end all forms of discrimination against all women and girls everywhere, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding the existing system for the collection, sharing and analysis of data, disaggregated by sex, age, ethnicity and disability, pertaining to all areas covered by the Convention.

Note: The present document is being circulated in English, French and Spanish only.

[1] *Unless* otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party (CEDAW/C/NZL/8).

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National machinery for the advancement of women

3. It is indicated in the report (para. 10) that the Ministry for Women, the principal adviser on achieving better outcomes for women, focuses on four priority areas. Please provide information on how the implementation of those priority areas is monitored, considering that the State party has not adopted an action plan for women. Please clarify whether the State party has gender focal points in ministries and government departments to implement and monitor progress on gender-mainstreaming activities, including in Tokelau. Please also provide information on the progress made in implementing gender-responsive budget activities, and on steps taken to increase the budget allocation for the Ministry for Women, thereby enabling it to carry out its activities as the national machinery for the advancement of women effectively (CEDAW/C/NZL/CO/7, para. 18). Please provide information on the situation of women and girls in Tokelau.

Access to justice

4. Information before the Committee indicates that there has been a steady decline in the number of lawyers providing legal aid and that changes in the legal aid system disadvantage women, particularly migrant women. Please provide information on specific measures being taken to ensure access to justice for women, particularly migrant women, in line with general recommendation No. 33 (2015) on women's access to justice. Please also provide information on steps being taken to ensure that legal aid is available to women and girls, particularly from disadvantaged groups such as Maori, Pasifika and migrant women and women with disabilities.

Temporary special measures

5. It is stated in the report that temporary special measures are not the best way to address inequalities between women and men (para. 35). Please provide information on the introduction of any measures aimed at accelerating the realization of de facto equality between women and men in the State party, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

Stereotypes and harmful practices

6. Please provide information on measures being taken to change social and cultural patterns that lead to stereotyping and the reinforcement of traditional roles of women and men in the family and society, particularly targeting the media, which perpetuate discrimination against women and girls (CEDAW/C/NZL/CO/7, para. 21). Please provide an update on progress and challenges in combating cyberbullying following the entry into force of the Harmful Digital Communications Act in 2015, and in eliminating harmful practices such as child marriage. Please also describe the impact such measures have had in eliminating stereotypical perceptions and attitudes regarding the roles of women in the family and society.

Gender-based violence against women

7. It is indicated in the report that violence against women in the State party is widespread and takes many different forms, including physical, sexual and psychological abuse (para. 195), and that, although there has been a decline in the annual prevalence rate of partner violence and sexual violence against women since 2005, Maori women are twice as likely to experience gender-based violence as other groups of women (para. 197). Please provide information on the challenges and successes encountered in combating gender-based violence against women, including domestic violence, and particularly among Maori women, since the establishment of

the Ministerial Group on Family Violence and Sexual Violence in 2014. Please provide an update on the status of the implementation of laws and policies designed to prevent violence against women, including domestic violence, and the findings of the Ministerial Group, which was due to submit a report to the Cabinet in June 2016.

8. According to information before the Committee, ethnic minority women who are brought to the State party for marriage are listed as "dependants" on their partners' visas and, as a result, may suffer violence and abuse, including the threat of deportation. Please provide information on steps being taken to protect such women by ensuring appropriate monitoring of their situations until their marriages are registered and they are granted residency status in their own right. Please also provide data on protection orders issued during the reporting period, violations of those orders and the sanctions imposed as a result. Please also provide data, disaggregated by age and type of offence, on cases of violence against women reported to the police, the number of cases brought to court and the number of prosecutions and convictions resulting from those cases. Please provide information on the availability, accessibility and funding of shelters for women and girls who are victims of violence, particularly in rural areas (para. 206).

Trafficking

9. Information before the Committee indicates that the State party is a source and destination country for trafficking in persons. Please provide updated information on the extent of such trafficking for labour and sexual exploitation, the number of investigations, prosecutions and convictions since the first trial on trafficking charges concluded in December 2015, and progress and challenges in combating trafficking in persons since the amendment to the Crimes Act of 1961, which removed the stipulation under which trafficking was considered such only if it took place across borders, came into effect.

10. It is stated in the report that prostitution was decriminalized under the Prostitution Reform Act of 2003, which was reviewed in 2008 (para. 44). Please provide information on specific measures taken to combat the exploitation of prostitution and on exit programmes for women who wish to leave prostitution and the number of women and girls who have benefited from such programmes. Please also provide information on progress made in updating the plan of action to prevent trafficking in persons.

Participation in political and public life

11. It is stated in the report that the gender representativeness of Parliament has increased significantly since the advent of the mixed member proportional voting system in 1996, although it still has some way to go before it reflects the gender balance in society (para. 47). Although there has been some improvement in the representation of women in decision-making bodies, including in Parliament and the public service, women remain underrepresented in the judiciary, and on statutory boards and private-sector boards. Please provide information on steps envisaged to increase the number of women in elected and appointed decision-making bodies, including local councils, and statutory and private-sector boards, with a view to achieving equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and general recommendation No. 25. Please also provide information on any incentives used by political parties and the private sector to increase the representation of women, particularly in decision-making positions.

Education

12. It is acknowledged in the report that Maori and Pasifika women are less likely than their European and Asian counterparts to complete tertiary education (para. 88). It is also indicated that men continue to dominate the fields of information technology and engineering (para. 90). Please provide information on steps being taken to address the issue of Maori and Pasifika women and girls dropping out of school and measures to encourage girls to pursue courses in science, technology, engineering and mathematics, and whether the Curious Minds science initiative targets women and girls to that end. Please also provide information on the degree of access to education enjoyed by women and girls with disabilities in the State party.

13. Please provide an update on the impact of the implementation of programmes aimed at reducing the high rate of teenage pregnancy, particularly the better public service target programme (paras. 142 and 143). Please provide data on dropout rates for girls owing to pregnancy and the levels at which they occur, the number of teenage mothers who returned to school after childbirth during the reporting period, and the impact of indirect education costs ("voluntary donations"), which reportedly impede the access of women and girls to education. Please provide an update on progress and challenges relating to the delivery of age-appropriate education programmes on sexual and reproductive health and rights at all levels of education in the State party (para. 137).

Employment

14. It is indicated in the report that, although women are better qualified than in the past, they are overrepresented in minimum-wage jobs and that Maori and Pasifika women and young mothers are vulnerable to low-wage employment (para. 98). Please provide information on the measures being taken to reduce the concentration of women, particularly Maori and Pasifika women, in low-paid employment and improve their participation in fields traditionally dominated by men, especially construction work, fishing, renewable energy and transport. Please also provide information on measures in place to enforce the principle of equal pay for work of equal value, in line with the International Labour Organization Equal Remuneration Convention, 1951 (No. 100), with a view to closing the wage gap between women and men, which contributes to post-retirement poverty among women (para. 113). Please further provide information on measures being taken to address the high unemployment rate among Maori and Pasifika women (para. 100). Please indicate what steps are being taken to address the shortage of childcare facilities and encourage the use of flexible working arrangements (para. 110). Please provide information on the status of the draft law, under which paid parental leave would be extended to 26 weeks, and steps to abolish the Minimum Wage Act of 1983, which empowers inspectors from the Ministry of Business, Innovation and Employment to issue minimum wage exemption permits for workers whose disabilities limit their capacity to carry out the requirements of their work and has reportedly been used to exclude workers, including women, with disabilities from equal remuneration.

Health

15. It is indicated in the report that significant gaps remain in health outcomes, with Maori and Pasifika communities, persons with disabilities and socioeconomically disadvantaged groups generally experiencing worse health outcomes than other groups (para. 125). Please provide information on progress and challenges in addressing that phenomenon, attributed in the report to differences with regard to access to and use and experience of health services, as well as differences in exposure to risk (para. 126). Information before the Committee indicates that Maori and

Pasifika women continue to suffer high rates of breast and cervical cancer, mental illness, suicide, sexually transmitted infections, teenage pregnancy and drug and alcohol abuse. Please provide information on the impact of the programmes and other initiatives adopted to address those issues. Please also provide information on measures being taken to remove barriers to access to health-care services by disadvantaged groups of women, including women with disabilities, migrant and refugee women and older women. Please also provide information on the extent to which the Protection of Personal and Property Rights Act of 1988 has been used to have women and girls with intellectual disabilities sterilized without their consent, on the grounds that it is in their best interest.

16. Please provide information on the incidence of unsafe abortion and its impact on women's health, including maternal mortality. Please also provide information on measures being taken to amend the Crimes Act in order to expand the grounds for legal abortion to include rape, and revise the Contraception, Sterilization and Abortion Act of 1977 with a view to easing the onerous procedure for procuring an abortion, under which women are required to obtain certificates from two certified medical consultants, and which reportedly creates long waiting lists for women and girls. Please further provide information on steps being taken to shift oversight of abortion laws, policies and services from the Ministry of Justice to the Ministry of Health. Please also provide an update on the status of the national sexual and reproductive health action plan being developed by the Ministry of Health, and the extent to which relevant stakeholders have been involved in its elaboration.

Rural women

17. Information before the Committee indicates that, in 2010, the State party withdrew funding from adult community education classes, which reduced learning opportunities for rural women. Please list the programmes in place aimed at facilitating the availability to rural women of training and education, including adult education; health care, including sanitation and transport for access to services such as free cancer screening; and employment and agricultural opportunities. Furthermore, please provide information on progress made towards the implementation of programmes designed to improve rural women's access to information, modern technology and social protection.

Disadvantaged groups of women

18. Please provide information regarding access to social housing for women, particularly those with disabilities, single mothers and migrant and older women, and on what is being done to protect such women from rising housing costs, overcrowding and long waiting lists for social housing. Please also provide examples of existing social protection programmes aimed at reducing the economic burden on women with disabilities, older women, households headed by women, and single and young mothers. Please provide information on the extent to which the fixed annual quota for refugees under the Refugee Quota Programme has been used and whether the State party is considering increasing it.

Disaster risk reduction and climate change

19. Given that the State party is susceptible to cyclones and earthquakes, please provide information on whether a gender perspective has been integrated into national disaster management and relief and recovery strategies, and indicate the extent to which women are principal drivers for sustainable development and assume leadership roles in consultation processes on disaster risk reduction and climate change initiatives. Please specify whether related policies and programmes include measures to ensure that women are: protected from discrimination when seeking

livelihood support following disasters; protected from gender-based violence in evacuation centres; adequately represented in disaster preparedness and response structures, including with regard to climate change mitigation and adaptation; and recognized as a key source of resilience in confronting natural disasters.

Women in detention

20. According to information before the Committee, Maori and Pasifika women and girls experience disproportionately high rates of incarceration and are overrepresented at all levels of the criminal justice system. Please provide information on the extent to which initiatives to address that situation, such as the "Turning of the Tide: A Whanau Ora Crime and Crash Prevention Strategy", take gender into account. Specifically, please clarify what is being done to address the root causes of repeat offending among Maori and Pasifika women and girls; involve traditional leaders and structures in efforts to address the high levels of Maori and Pasifika incarceration; and fully use non-custodial measures, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

Marriage and family relations

21. It is indicated in the report that the State party prohibits marriage under the age of 16 years and that a person aged 16 or 17 years require consent from their parents or from the Family Court before the Registrar can issue a marriage licence (p. 51). It is further stated that prohibiting people from marrying under the age of 18 years may constitute age discrimination under the Human Rights Act of 1993, which prohibits discrimination on grounds of age from 16 years onwards (p. 51). Please provide information on the mechanisms in place to prevent forced marriage and to amend the law in order to eliminate child marriage in the State party. Please also provide data on the extent of polygamy in the State party and measures to combat the practice (CEDAW/C/NZL/CO/7, para. 38).